

ORDINANCE NO. 2014-04

AN ORDINANCE AMENDING CHAPTER 78. *TRAFFIC AND VEHICLES* OF THE CODE OF ORDINANCES OF THE CITY OF CLEAR LAKE SHORES, TEXAS BY ADDING A NEW ARTICLE VII. "OPERATION OF GOLF CARTS ON PUBLIC STREETS"; REGULATING THE OPERATION OF GOLF CARTS ON PUBLIC STREETS; REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES INCONSISTENT OR IN CONFLICT HERewith; PROVIDING A PENALTY IN AN AMOUNT NOT TO EXCEED \$200.00 FOR EACH VIOLATION HEREOF, WITH EACH DAY CONSTITUTING A SEPARATE VIOLATION; AND PROVIDING FOR SEVERABILITY.

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WHEREAS, the Legislature of the State of Texas has recently amended the Transportation Code to allow for the operation of golf carts within municipalities under certain conditions; and

WHEREAS, the Texas Transportation Code grants to municipalities the authority to control the operations of motor vehicles using its streets and to prescribe reasonable and safe restrictions related to the stopping, standing and parking of vehicles; and

WHEREAS, the Legislature also permitted municipalities to prohibit the operation of golf carts on a public highway if the governing body of the municipality determines that the prohibition is necessary in the interest of safety; and

WHEREAS, the City Council of the City of Clear Lake Shores, Texas (the "City Council") has investigated and determined that the prohibitions set forth in this ordinance are necessary in the interest of safety; and

WHEREAS, the City Council has further investigated and determined that it is in the best interest of the public health, safety and welfare of the citizens and the public to establish regulations for the operation of golf carts as set forth below.

NOW THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF CLEAR LAKE SHORES, TEXAS:

SECTION 1. Findings Incorporated. The findings set forth above are incorporated into the body of this Ordinance as if fully set forth herein.

SECTION 2. Chapter 78. *Traffic and Vehicles* of the Code of Ordinances of the City of Clear Lake Shores is amended by adding a new Article VII. "Operation of Golf Carts on Public Streets" to read and provide as follows:

"Chapter 78 - TRAFFIC AND VEHICLES

...

ARTICLE VII. OPERATION OF GOLF CARTS ON PUBLIC STREETS.

Sec. 78-175 Definitions.

The following words, terms, and phrases, when used in this article shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Golf Cart means a motor vehicle that has no less than three wheels, has a maximum speed of between 15-25 mph, and is manufactured primarily for operation on golf courses.

Public Street means a publicly-owned or dedicated road, street, drive, or other right-of way for the use of vehicles within the corporate boundaries of the City of Clear Lake Shores.

Sec. 78-176. Golf Carts Permitted and Restricted.

A person may operate a golf cart on public streets in the City of Clear Lake Shores, north of FM 2094, if:

(a) the maximum posted speed limit on the public street is thirty-five (35) miles per hour or less;

(b) the person has a valid drivers license;

(c) the person maintains proof of current financial responsibility for the golf cart, as required of other passenger vehicles in the Texas Transportation Code Section 601.051;

(d) the person complies with all applicable traffic regulations as well as all relevant federal, state, and local laws;

(e) the golf cart has the following equipment:

(1) headlamps;

(2) tail lamps;

(3) reflectors;

(4) a parking brake;

(5) mirrors; and

(6) a slow-moving vehicle emblem;

Sec. 78-177. Driving Restrictions.

(a) While the golf cart is in motion, the driver and every passenger in a golf cart shall remain seated in a seat designed to hold passengers.

(b) No person may stand or ride in the lap of the driver and/or other passenger of a golf cart while it is moving."

SECTION 3. Penalty Provision. Any person who shall intentionally, knowingly, recklessly, or with criminal negligence violate any provision of this Ordinance shall be deemed

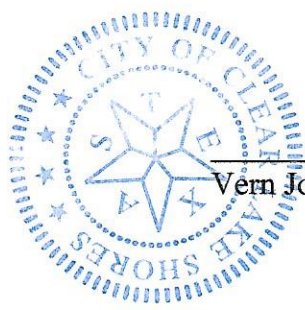
guilty of a misdemeanor and, upon conviction, shall be fined in an amount not to exceed \$200.00. Each day of violation shall constitute a separate offense.

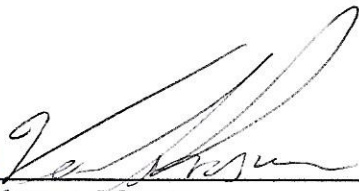
SECTION 4. Savings/Repealing Clause. All provisions of any ordinance in conflict with this Ordinance are hereby repealed to the extent they are in conflict; but such repeal shall not abate any pending prosecution for violation of the repealed ordinance, nor shall the repeal prevent a prosecution from being commenced for any violation if occurring prior to the repeal of the ordinance. Any remaining portions of said ordinances shall remain in full force and effect.

SECTION 5. Severability. Should any section, subsection, clause or phrase of this Ordinance be declared unconstitutional or invalid by any court of competent jurisdiction, it is expressly provided that any and all remaining portions of this Ordinance shall remain in full force and effect. Clear Lake Shores hereby declares that it would have passed this Ordinance, and each section, subsection, clauses and phrases be declared unconstitutional or invalid.

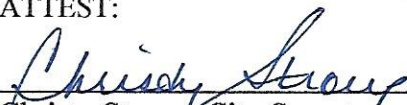
SECTION 6. Effective Date. This Ordinance shall be effective immediately upon its passage and publication as required by law.

PASSED, APPROVED, AND ADOPTED this 4 day of March, 2014.




Vern Johnson, Mayor

ATTEST:


Christy Stroup, City Secretary